

PROPOSAL PACKAGE

CC-GLBA001-15

Department of the Interior

National Park Service
Glacier Bay National Park & Preserve

**Proposal to Operate Lodging, Day Tour Boat, Food and Beverage,
Retail and Other Services**

PROPOSAL SUBMISSION TERMS & CONDITIONS

- 1) The Offeror's Transmittal Letter set forth below indicates your acceptance of the terms and conditions of the concession opportunity as set forth in this Prospectus. It indicates your intention to comply with the terms and conditions of the Contract. **The letter, submitted without alteration, must bear original signatures and be included in the Offeror's Proposal Package.** The National Park Service (Service) will review the entire Proposal Package to determine whether your proposal in fact accepts without condition the terms and conditions of this Prospectus. If not, your proposal may be considered non-responsive, even though you submitted an unconditional Offeror's Transmittal Letter.
- 2) The Proposal Package is drafted upon the assumption that an Offeror is the same legal entity that will execute the new concession Contract as the Concessioner. If the entity that is to be the Concessioner is not in existence as of the time of submission of a proposal, the proposal must demonstrate that the individual(s) or organization(s) (hereinafter Offeror-Guarantor) that intends to establish the entity that will become the Concessioner has the ability and is legally obliged to cause the entity to be financially and managerially capable of carrying out the terms of the Contract. In addition, the Offeror-Guarantor must unconditionally state and guarantee in its proposal that the Offeror-Guarantor will provide the Concessioner with all funding, management, and other resources that the Draft Contract requires and the proposal offers.

OFFEROR'S TRANSMITTAL LETTER

To:

Regional Director
Alaska Region
240 W. 5th Avenue
Anchorage, AK 99501

Dear Director:

The name of the Offeror is _____. If the Offeror has not yet been formed, this letter is submitted on its behalf by _____ as Offeror-Guarantor(s), who guarantee(s) all certifications, agreements and obligations of Offeror hereunder and make(s) such certifications, agreements and obligations individually and on behalf of the Offeror.

The Offeror hereby agrees to provide visitor services and facilities within the Park in accordance with the terms and conditions specified in the Draft Concession Contract CC-GLBA001-15, (Draft Contract) provided in the Prospectus issued by the public notice as listed in the Federal Business Opportunities (www.fedbizopps.gov), and to execute the Draft Contract without substantive modification (except as may be required by the National Park Service pursuant to the terms of the Prospectus and the Offeror's Proposal). If the Offeror is not yet in existence, the undersigned, acting as guarantor(s) of all certifications, agreements and obligations of Offeror hereunder, makes such certifications, agreements and obligations individually and on behalf of the Offeror.

The Offeror is enclosing the required "PROPOSAL" which, by this reference, is made a part hereof.

The Offeror certifies that the information furnished herewith is complete, true, and correct, and recognizes that false statements may subject the Offeror to criminal penalties under 18 U.S.C. 1001. The Offeror agrees to meet all the minimum requirements of the Draft Contract and the Prospectus. The Offeror certifies that it has provided all of the mandatory information specified in the Prospectus.

The Offeror certifies in accordance with 2 C.F.R. Part 1400 the following:

- None of the individuals or entities acting as Offeror or with an ownership interest in the Offeror is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from a public transaction by a federal department or agency.
- Within the three years preceding submission of the Proposal, none of the individuals or entities acting as Offeror or with an ownership interest in the Offeror has been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction, or for violation of federal or state antitrust statutes or for commission of embezzlement, theft, forgery, bribery, falsification of records, making false statements, or receiving stolen property.
- None of the individuals or entities acting as Offeror or with an ownership interest in the Offeror is presently indicted for or otherwise criminally or civilly charged by a federal, state or local unit of the government with commission of any of the aforementioned offenses.
- The individuals or entities acting as Offeror or with an ownership interest in the Offeror have not had one or more public transactions (federal, state or local) terminated for cause or default within the three-year period preceding the submission of the Proposal.

- The individuals or entities seeking participation in this Concession Contract have not had one or more public transactions (federal, state or local) terminated for cause or default within the three-year period preceding the submission of the Proposal.

The Offeror, by submitting this Proposal hereby agrees, if selected for award of the Draft Contract:

- 1) To the minimum requirements of the Prospectus as identified in Part A of this Proposal Package.
- 2) To complete the execution of the final Concession Contract within the time provided by the National Park Service when it presents the contract for execution.
- 3) To commence operations under the resulting Concession Contract on the effective date of the Concession Contract.
- 4) To operate under the current National Park Service approved rates until such time as amended rates may be approved by the National Park Service.
- 5) [Include only if the Offeror is not yet in existence.] To provide the entity that is to be the Concessioner under the Draft Contract with the funding, management, and other resources required under the Draft Contract and/or described in our Proposal.
- 6) [Include only if the Offeror is a business entity, rather than an individual] To deliver to the Regional Director within 10 days following the announcement of the selection of the Offeror as the Concessioner, current copies of the following:
 - Certificate from its state of formation indicating that the entity is in "good standing"(if such form is issued in that state for Offeror's type of business entity);
 - Governance documents of Offeror (e.g. Articles of Incorporation and By-Laws for corporations; Operating Agreement for LLCs; Partnership Agreement for Partnerships; or Venture Agreement for Joint Ventures); and
 - If the business entity was not formed in the State of Alaska, evidence that it is qualified to do business there.

NAME OF OFFEROR (or OFFEROR-GUARANTOR(s) if the Offeror is not yet in existence as of the time of submission – list all if more than one and clearly indicate that the entity is an Offeror-Guarantor): _____

BY _____ DATE _____
(Type or Print Name)

ORIGINAL SIGNATURE _____

TITLE _____

ADDRESS _____

CERTIFICATE OF BUSINESS ENTITY OFFEROR
(OR OF OFFEROR-GUARANTOR IF OFFEROR IS NOT YET FORMED)
(Offerors who are individuals should skip this certificate)

I, _____, certify that I am the _____ of the [specify one] corporation/partnership/limited liability company/joint venture named as Offeror (or Offeror-Guarantor, if applicable) herein; that I signed this proposal for and on behalf of the Offeror(or Offeror-Guarantor, if applicable), with full authority under its governing instrument(s), within the scope of its powers, and with the intent to bind the entity.

NAME OF ENTITY: _____

BY _____ DATE _____
(Type or Print Name)

ORIGINAL SIGNATURE _____

TITLE _____

ADDRESS _____

ANILCA SECTION 1307 PREFERRED OPERATOR APPLICATION

Please refer to the ANILCA Section 1307 regulations, referenced in the Proposal Instructions and included as Appendix L to this Prospectus, to answer the following questions:

- (1) Is the entity making this proposal seeking to be qualified as a local resident, as defined in 36 C.F.R. 13.305, for the services proposed under this prospectus?

☐

Yes

☐

No

To qualify as a local resident, each of the following elements must be met **and you must provide documentation**, as described in the regulations, to establish each element.

Individuals:

Has the offeror lived within the local area¹ for 12 consecutive months before the date this prospectus was issued (see issue date on inside cover)?

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Yes

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No

Has the offeror maintained its primary permanent residence and business within the local area?

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Yes

☐

No

Whenever absent from this primary, permanent residence, does the offeror to return to it?

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Yes

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No

Documentation of the location of an individual's primary, permanent residence and business may include, but is not limited to, the permanent address indicated on licenses issued by the State of Alaska, tax returns and voter registration.

¹ Local area means an area in Alaska within 100 miles of the location within the park area where any of the applicable visitor services are authorized to be provided.

CORPORATIONS, PARTNERSHIPS, JOINT VENTURES, AND LIMITED LIABILITY COMPANIES:

Is the controlling interest² held by an individual or individuals who qualify as local resident(s) (see above)?

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Yes

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No

If Yes, provide a list of the individuals with ownership interest in the entity, identifying the ownership interest of each individual (the total should add up to 100%). Also provide corporation by-laws or other similar documentation that clearly identifies the interests of each individual in the entity.

For each individual for which local preference is being claimed, provide documentation of the location of the individual's primary, permanent residence and business. Documentation may include, but is not limited to, the permanent address indicated on licenses issued by the State of Alaska, tax returns and voter registration.

NON-PROFIT CORPORATIONS:

Do a majority of the board members qualify individually as local residents (see above)?

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Yes

☐

No

Do a majority of the officers qualify individually as local residents (see above)?

☐

Yes

☐

No

Provide a list of all board members and a list of all officers. For each board member and officer for which local preference is being claimed, provide documentation of the location of the individual's primary, permanent residence and business. Documentation may include, but is not limited to, the permanent address indicated on licenses issued by the State of Alaska, tax returns and voter registration.

² Controlling interest means, in the case of a corporation, an interest, beneficial or otherwise, of sufficient outstanding voting securities or capital of the business so as to permit the exercise of managerial authority over the actions and operations of the corporation or election of a majority of the board of directors of the corporation.

Controlling interest in the case of a partnership, limited partnership, joint venture, or individual entrepreneurship, means a beneficial ownership of or interest in the entity or its capital so as to permit the exercise of managerial authority over the actions and operations of the entity. In other circumstances, controlling interest means any arrangement under which a third party has the ability to exercise management authority over the actions or operations of the business.

MOST DIRECTLY AFFECTED NATIVE CORPORATIONS

Are you applying for “most directly affected Native corporation” status, as defined in 36 C.F.R Part 13, Subpart E? *If yes, provide the documentation to support this determination, as described below.* ³

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Yes

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No

Per 36 C.F.R 13.325(d), a Native Corporation that did not apply for this determination in connection with an earlier visitor services authorization may apply for a determination that it is an equally affected Native Corporation. Native corporations applying for this status must provide the information requested below:

- (1) Name, address, and phone number of the Native Corporation; date of incorporation; its articles of incorporation and structure;
- (2) Location of the corporation’s population center or centers;
- (3) An assessment of the socioeconomic impacts, including historical and traditional use and landownership patterns and their effects on the Native Corporation as a result of the expansion or establishment of Glacier Bay National Park & Preserve by ANILCA.
- (4) Any additional information the Native Corporation considers relevant.

³ Huna Totem Corporation has previously been determined to have “most directly affected” Native corporation status for Glacier Bay National Park & Preserve and does not need to resubmit supporting documentation.

PART A

The minimum requirements for the Draft Contract are identified in this Part A of the Proposal Package. If the Offeror, in its transmittal letter, does not agree to these minimum requirements, its proposal will be considered non-responsive. (The requirements of Part B of this Proposal Package outline detailed submissions referred to in this part, as well as additional secondary selection factors.)

PRINCIPAL SELECTION FACTOR 1. THE RESPONSIVENESS OF THE PROPOSAL TO THE OBJECTIVES, AS DESCRIBED IN THE PROSPECTUS, OF PROTECTING, CONSERVING, AND PRESERVING RESOURCES OF THE PARK.

The Offeror agrees to comply with all terms and conditions specified in the Draft Contract, including compliance with all applicable laws, including, without limitation, environmental protection and conservation laws.

PRINCIPAL SELECTION FACTOR 2. THE RESPONSIVENESS OF THE PROPOSAL TO THE OBJECTIVES, AS DESCRIBED IN THE PROSPECTUS, OF PROVIDING NECESSARY AND APPROPRIATE VISITOR SERVICES AT REASONABLE RATES.

The Offeror agrees to operate at the current Service approved rates during the term of the Concession Contract until such time as a new rate schedule is approved by the Service, in accordance with 16 U.S.C. § 5955.

The Offeror agrees to accept the Concession Facilities, and any assigned government personal property “as is” as required by the Draft Contract, Section 8(f).

The Offeror accepts the draft Operating Plan included as Exhibit B of the Draft Contract.

The Offeror accepts the draft Maintenance Plan included as Exhibit H of the Draft Contract.

The Offeror agrees to fund and use the “Repair and Maintenance Reserve” of one percent (1.0%) of annual gross receipts over the term of the Draft Contract. RMR funds not expended at the expiration of the Draft Contract will be remitted to the Service as Franchise Fees.

The Offeror agrees to implement an equal opportunity program.

The Offeror agrees to develop and implement an effective health and safety program (Concessioner Risk Management Program), according to the requirements of the draft Operating Plan for such programs.

PRINCIPAL SELECTION FACTORS 3 AND 4 DO NOT HAVE SPECIFIC REQUIREMENTS FOR THIS PART A. NEVERTHELESS, INFORMATION IS REQUIRED FOR PRINCIPAL SELECTION FACTORS 3 AND 4 IN PART B. FAILURE TO PROVIDE MATERIAL INFORMATION REQUIRED THEREUNDER MAY RESULT IN AN OFFEROR BEING DEEMED NON-RESPONSIVE.

PRINCIPAL SELECTION FACTOR 5. THE AMOUNT OF THE PROPOSED MINIMUM FRANCHISE FEE, IF ANY, AND/OR OTHER FORMS OF FINANCIAL CONSIDERATION TO THE DIRECTOR.

The Offeror agrees to at least the minimum franchise fee of one percent (1.0%) of annual gross receipts.

PART B**Response Format**

For the page limits set out in these Principal Selection Factors, please note that the Service will not review or consider the information on any pages that exceed the page limitation stated, including attachments, appendices or other additional materials the Offeror submits. The Service considers text on two sides of one sheet of paper to be two pages. Offerors must use normal sized font, such as 11 or 12 point, and 1 inch margins on all sides. Tables, charts, graphs, provided forms, and copies of sample material using less than 11 point font are acceptable. The Service would like to see clear and concise answers. A longer answer will not necessarily be considered a better answer. Please respond only with the information requested in the subfactors.

The National Park Service will not consider strategies that require new structure or major rehabilitation that could incur Leasehold Surrender Interest (LSI). The Service may consider proposed fixture replacement as defined in the Draft Contract.

PRINCIPAL SELECTION FACTOR 1. THE RESPONSIVENESS OF THE PROPOSAL TO THE OBJECTIVES, AS DESCRIBED IN THE PROSPECTUS, OF PROTECTING, CONSERVING, AND PRESERVING RESOURCES OF THE PARK. (0-5 POINTS)**Service Objectives**

The Service's objectives under this factor are for the Concessioner to preserve Concession Facilities and protect Park resources. Specifically, the Service seeks a Concessioner that will maintain facilities over the term of the Draft Contract, take necessary steps to winterize facilities, and conduct operations in a manner that will protect Park wildlife.

Subfactor 1(a). Preservation and Maintenance of Structures

The page limit for this subfactor is **8 pages**, including all text, pictures, graphs, etc.

The Draft Contracts requires the Concessioner to establish a comprehensive program that ensures it maintains facilities to a level satisfactory to the Service. The Service is interested in your ability to provide a comprehensive repair and maintenance program with a staffing level appropriate for the size and scope of the Concession Facilities.

- 1) Describe the maintenance approach you will implement that places an emphasis on proactive maintenance as opposed to response-based maintenance.
- 2) Describe the steps you will take to winterize the Concession Facilities assigned under the Draft Contract.

Subfactor 1(b). Wildlife Disruption

The page limit for this subfactor is **5 pages**, including all text, pictures, graphs, etc.

- 1) Describe how you will conduct your operations in a manner that will minimize disruption to the wildlife of the Park. Your answer must include, at a minimum:
 - a. How you will assure that wildlife will not get access to human food and waste items
 - b. How you will avoid marine wildlife while operating the day boat tour
 - c. Specific goals, actions, steps or programs that you commit to adopt and implement

PRINCIPAL SELECTION FACTOR 2. THE RESPONSIVENESS OF THE PROPOSAL TO THE OBJECTIVES, AS DESCRIBED IN THE PROSPECTUS, OF PROVIDING NECESSARY AND APPROPRIATE VISITOR SERVICES AT REASONABLE RATES. (0 - 5 POINTS)**Service Objectives**

The Service's objectives for this Principal Selection Factor are for the Concessioner to provide high-quality services, at reasonable rates and in a manner that contributes positively to a visitor's overall Park experience. The Service believes that lodging accommodations comprise an integral component of the Park experience for many visitors. The Service would like the Concessioner to improve the quality of lodging accommodations, lodging amenities, and to operate a tour boat that provides passenger comfort and minimizes impact to the resources of Glacier Bay.

Subfactor 2(a). Improving the Visitor Experience at Glacier Bay Lodge

The page limit for this subfactor is **10 pages**, including all text, pictures, graphs, etc., **but excluding schematics**.

- 1) Describe how you will improve guest rooms to improve the visitor experience. Include improvements or additions to furnishings and guest room amenities with a narrative of how those changes improve the visitor experience. The Draft Contract, Exhibit B, Operating Plan, includes the minimum requirements for Midscale Lodging.
- 2) Describe how you will improve visitor experience through improvements to the food and beverage and retail offerings on the first floor of the lodge. Provide schematics and a narrative description of the changes you will make.

Please note the following limitations to any proposed improvements:

- The Service will not evaluate proposals that include new construction or major rehabilitation that would generate Leasehold Surrender Interest (LSI).
- Do not propose any space reconfigurations that require walls to be removed.
- The Service does not prefer any drastic increases or decreases in the restaurant and deck area seating.
- The Operating Plan provides service standards for Family Casual Dining within the Lodge. The Service will consider proposals outside this classifications.

Subfactor 2(b). Day Tour Vessel

The page limit for this subfactor is **5 pages**, including all text, pictures, graphs, etc.

Exhibit B, Operating Plan, to the Draft Contract, defines the minimum vessel requirements and specifications. Your vessel must follow All Applicable Laws in addition to the specific standards.

- 1) Describe how your vessel meets or exceeds the following Minimum Specification Requirements. Offerors should note:
 - The following chart does not include all the minimum vessel requirements stated in the Operating Plan; it only includes those requirements that the Service will evaluate Offerors on meeting or exceeding the requirements.
 - The following chart also includes Service Preferred specifications, which may assist Offerors in determining the Service's preference in how an Offeror may exceed the minimum vessel requirements. The Service may award a higher score to an Offeror who meets or exceeds the Service preferred specifications.

Specification	Minimum Requirements	Service Preferred Specifications (as a reference for Offerors to exceed the minimum)	Describe how your vessel meets or exceeds this specification
Design	An efficient and effective de-fogging system on all viewing windows.	The Service prefers an onboard dehumidifying/air-recirculation system that would help keep the windows clear and reduce cabin moisture.	
Airborne and Underwater Noise	Per 36 C.F.R 2.12, less than 60 dB, A-weighted, at 50 ft.	The Service prefers a vessel generating noise levels significantly below these regulatory limits.	
Wastewater	Type I or II (on-board treatment) and Type III (holding tanks for pump-out) marine sanitation devices (MSD).	The Service prefers advanced wastewater treatment systems (AWTs) which may provide improved screening, biological treatment, solids separation (using filtration or flotation), and disinfection (using ultraviolet light) as compared to traditional Type II MSDs.	
Hull Type	Certified for intentional groundings and designed to safely carry, load and off-load kayaks (and persons) to and from the shore.	The Service prefers a low-wake hull design with a bow designed to withstand contact with the small icebergs common to the operating area.	
Public address system	Wireless or cordless microphone that broadcasts on both inside and outside speakers for NPS interpretive program.	The Service prefers a public address system that can easily select inside and/or outside broadcasts to minimize wildlife and shoreline visitor disturbances.	

Specification	Minimum Requirements	Service Preferred Specifications (as a reference for Offerors to exceed the minimum)	Describe how your vessel meets or exceeds this specification
Exterior Space		The exterior space should accommodate comfortable viewing for all passengers, including some outside seating and protection from the elements.	
Best available technology		The Service prefers vessels using the best available technology in all facets of vessel design and operation including noise and vibration control, marine sanitation, and engine and generator design, public address system (with wireless microphone for NPS interpretive program), and HVAC systems. The Service also prefers vessels that reduce use of fossil fuels and provide clean starting engines. This includes being able to shut down and restart main engines multiple times throughout the day, with minimal emissions, to provide enhanced soundscape enjoyment by passengers at glaciers, wildlife islands, scenic localities, etc.	

PRINCIPAL SELECTION FACTOR 3. THE EXPERIENCE AND RELATED BACKGROUND OF THE OFFEROR, INCLUDING THE PAST PERFORMANCE AND EXPERTISE OF THE OFFEROR IN PROVIDING THE SAME OR SIMILAR VISITOR SERVICES AS THOSE TO BE PROVIDED UNDER THE CONCESSION CONTRACT. (0-5 POINTS)

Note to Offeror: To assist in the evaluation of proposals under this and other selection factors, provide the following information regarding the organizational structure of the business entity that will execute the Draft Contract. This organizational structure information will not be scored for selection purposes, but may be used for assessing responses to various selection factors. If the Offeror is not yet in existence, the Offeror-Guarantor should describe its own experience and explain how such experience will carry over to the Offeror entity.

Offeror's Organizational Structure

Describe the entity with which the National Park Service will contract, specifying whether it is currently in existence or is to be formed. Clearly define the Offeror's relationship to all superior and subordinate entities. Identify the entity, if other than the Offeror, that has the authority to allocate funds, hire and fire management employees of the Offeror. Identify any individual or business entity that holds or will hold a controlling interest in the Offeror. If the Offeror is a limited liability company, a partnership, or a joint venture, identify and provide information about each managing member or general partner or venturer, respectively.

Submit your organizational documents (e.g., partnership agreement, articles of incorporation).

Using the appropriate Business Organization Information form (as applicable) at the end of this section, identify the Offeror and each business entity and/or individual to be involved in the management of the proposed concession operation. Use the form appropriate for your business entity or sole proprietorship and include all information necessary to make the relationship among the parties clear. When completed, the Business Organization Information form should convey the following information:

- 1) Full legal name of the Offeror and any trade name under which it proposes to do business.
- 2) The legal form of the Offeror, if other than an individual.
- 3) The name, address and, if applicable, form of business entity of all owner(s) of the Offeror, including, without limitation, all levels of parent organizations, their relationship to the Offeror, and the precise extent of their ownership interests.
- 4) The name, address and, if applicable, form of business entity of all related, subordinate, or superior business organizations and/or individuals that will have a significant role in managing, directing, operating, or otherwise carrying out the services to be provided by the Offeror. Describe in detail how these relationships will work formally and in practice. Use additional pages if the information does not fit within the forms provided.
- 5) If applicable, the length of Offeror's existence as a business entity.

Subfactor 3(a). Operational Experience

The page limit for this subfactor is **5 pages**, including all text, pictures, graphs, etc.

Demonstrate your experience in providing lodging, food and beverage, retail sales, and commercial passenger carrying vessels similar to those required by the Draft Contract by providing two examples in a matrix format that include the items listed below.

- 1) Name and location of operation
- 2) Services offered
- 3) Gross revenues for the most recent three years of operation in which the Offeror was involved with the business
- 4) Service volume (e.g. annual room nights, number of guests, cover counts, passenger counts, etc.)
- 5) Types of facilities, number of structures, number of lodging rooms, sales floor square footages, and total square footage
- 6) Commercial Passenger Carrying Vessels
- 7) Description of commercial passenger carrying vessels, tour or service provided, number of vessels in fleet, passenger capacity of vessels, and annual number of passengers served
- 8) Current status of business (e.g., owned and operated by Offeror, sold, open but no longer operated by Offeror, closed, etc.)
- 9) Number of year-round employees
- 10) Number of seasonal employees

Subfactor 3(b). Recruitment and Retention and Employee Training

The page limit for this subfactor is **5 pages**, including all text, pictures, graphs, etc.

A high quality, skilled and motivated employee staff is a critical component of meeting visitor needs at Glacier Bay Lodge. The operation faces challenges to recruitment and retention such as an isolated location and very few year-round employment opportunities.

- 1) Describe your process for maintaining high quality, skilled and motivated employee staff by providing the following:
 - a) Explain how you will recruit considering the seasonal and remote nature of the operations.
 - b) Explain how you will retain excellent employees for multiple seasons, and describe any inducements for employees to return for another season.

Subfactor 3(c). Violations and Safety Record

The Service is aware that any business may receive the occasional notice of violation, penalty, fine, less than satisfactory public health rating, or similar regulatory notice from a federal, state, or local agency (hereinafter collectively referred to as "Infractions"). The Service is interested in understanding how your business manages these Infractions.

In responding to this subfactor, you need to consider the Offeror and all of its principals (for corporations, their executive officers, Directors, and controlling shareholders; for partnerships, their general partners; for limited liability companies, their managing members and managers, if any; and for joint ventures, each venturer) and all parent entities, subsidiaries or related entities under the primary organizational entity (such as, a parent corporation and all subsidiaries), collectively referred to as "Related Entities," that **provide the**

same or similar services as required or authorized by the Draft Contract, whether as a principal or employee of Offeror or otherwise.

If the Offeror has not yet been formed, each Offeror-Guarantor must respond to the items in this sub-factor for itself and its Related Entities as identified above.

For each Offeror or Offeror-Guarantor, and their respective Related Entities, provide the following **(1 through 5)**:

- 1) List of Infractions. Identify Infractions issued by a federal, state or local regulatory agency in the last five years. Do NOT submit copies of the Infraction report; submit in a tabular format.
 - a) The basis for the Infraction
 - b) The regulatory agency that issued the Infraction
 - c) When the Infraction was issued
 - d) How the Related Entity addressed the Infraction
 - e) How the Related Entity ensured the problem was minimized or would not recur
- 2) Describe the Related Entities you considered and explain if you excluded other Related Entities, and, if so, why.
- 3) List the federal, state, and local **regulatory agencies** you considered in responding to this subfactor.
- 4) Has the Offeror had any marine casualties or accidents?

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Yes

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No

If yes, list of all marine casualties or accidents following the format provided below.

Date of Incident	Type of Casualty or Accident	Vessel Name	No. of Fatalities	Dollar Amount of Property Damage	Total Accident Cost (e.g. repairs, clean-up, fines, legal expenses)	Geographical Location of Incident

- 5) **In 5 pages or less**, including all text, pictures, graphs ,etc., describe your overall strategy to minimize infractions and how you resolve, or plan to resolve, infractions when they do occur.

FORM 1

BUSINESS ORGANIZATION INFORMATION CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP OR JOINT VENTURE (PRINCIPAL SELECTION FACTOR 3)
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Complete separate form for the submitting business entity and any and all parent entities.

Name of Entity and Trade-name, if any	
Address	
Telephone Number	
Fax Number	
Email Address	
Contact Person	
Title	
Tax ID#	
State of Formation	
Date of Formation	

OWNERSHIP	PERCENTAGE OF OWNERSHIP INTERESTS	CURRENT VALUE OF INVESTMENT
Names and Addresses of those with controlling interest and key principals of business		
Total Interests Outstanding and Type(s):		

OFFICERS AND DIRECTORS OR GENERAL PARTNERS OR MANAGING MEMBERS OR VENTURERS	ADDRESS	TITLE AND/OR AFFILIATION

Attach the following:

- Description of relationship of any and all parent entities to the Offeror with respect to funding and management.

FORM 2**BUSINESS INFORMATION
INDIVIDUAL* OR SOLE PROPRIETORSHIP
(PRINCIPAL SELECTION FACTOR 3)**

Name of Individual and Tradename, if Any**	
Address	
Telephone Number	
Fax Number	
Email Address	
Contact Person (if other than the Offeror)	
Tax ID #	
Years in Business (of same type as required service(s))	
Current Value of Business	
Role in Providing Concession Service(s)	

*Due to difficulties determining authority to act and ownership, the Service will not accept a proposal from spouses jointly as a purported business entity. Either one individual must serve as the Offeror or the spouse must form a corporation, partnership, or limited liability company to serve as Offeror.

**If the sole proprietorship acts under a name other than that of its owner (i.e., does business as "company name"), also add the jurisdiction where the company's trade name is registered, if any.

PRINCIPAL SELECTION FACTOR 4. THE FINANCIAL CAPABILITY OF THE OFFEROR TO CARRY OUT ITS PROPOSAL. (0-5 POINTS)**Notes to Offeror:**

In the event the Offeror is not yet in existence, provide the information described below with respect to both the to-be-formed Offeror and the Offeror-Guarantor(s), which must unconditionally state and guarantee that the Offeror-Guarantor(s) will provide the Offeror with all funding, management and other resources that the Draft Contract requires and the proposal offers.

All forms are provided electronically on the enclosed compact disk. The Offeror must complete all forms provided and submit both a hard copy and an Excel spreadsheet file.

Subfactor 4(a). Demonstrate that you have a credible, proven track record of meeting your financial obligations by providing the following:

- 1) The completed Business History Information form provided at the end of this section.
- 2) Audited financial statements for the two most recent fiscal years, with all notes to the financial statements. Audited financial statements should be provided for the Offeror AND all parent companies. Audited financial statements must be provided for any individual Offerors, general partners in a partnership, managing members and managers, if any, of a limited liability company and all venturers in a joint venture. If the Offeror is not yet formed, submit audited financial statements for each Offeror-Guarantor.

-OR-

If audited financial statements are not available, explain in detail why they are not available. If reviewed rather than audited statements are submitted, explain why the statements were reviewed rather than audited.

If neither audited nor reviewed statements are available, the Offeror (or Offeror-Guarantor(s), if applicable) must submit other compelling evidence including personal financial statements for each of the Offeror's principals (as defined under PSF3) and a letter from its Financial Institution. Such letter must outline the Financial Institution's historical relationship with the Offeror. Specifically, the Financial Institution should provide the following information: number of years of the relationship, description and amount of all credit facilities extended along with their average annual outstanding balance and current outstanding balance; current account balance; and statement of whether the Offeror has met all obligations with the Financial Institution as required.

- 3) A CURRENT credit report (within the last six months) in the name of the Offeror from a major credit reporting company such as Equifax, Experian, TRW or Dun & Bradstreet. If the Offeror is not yet formed, include a credit report for each Offeror-Guarantor.

The Service requests the above documentation to understand your history of meeting your financial obligations. The Service has listed certain documents that likely would meet its expectations under various circumstances and conditions. The Offeror or Offeror-Guarantor must provide comprehensive materials to demonstrate that you do have a history of meeting your financial obligations.

Subfactor 4(b). Demonstrate that your proposal is financially viable and that you understand the financial obligations of the Draft Contract by providing the following:

- 1) Your estimate of the acquisition and start-up costs of this business using the Initial Investment and Start-Up Expense and the Initial Investments and Start-Up Expense Assumptions forms included in the Excel spreadsheets provided as an Appendix to the prospectus. Explain fully the methodology and the assumptions used to develop the estimate. The information provided should be of sufficient detail to allow a reviewer to understand how the estimates were determined. If you are the Existing Concessioner and do not anticipate any additional initial investment or start-up costs, please state

that you consider the current personal property and assets adequate to operate this concession opportunity successfully.

- 2) Using the Excel spreadsheets provided as an Appendix to the prospectus, complete the Income Statement and Income Statement Assumptions forms and the Cash Flow Statement and the Cash Flow Statement Assumptions forms found in tabs within the Excel workbook. Provide estimates of prospective revenues and expenses of the concession business in the form of annual prospective income and cash flow statements for the entire term of the Draft Contract. Also complete the Operating Assumptions tab to explain your financial projections.

Below are some general notes regarding the provided forms found in the Appendices attached to the Prospectus:

- The Service has provided forms that request the information in the format it desires. These forms may differ from the format and requirements set forth in generally accepted auditing standards (GAAS) with regard to prospective financial statements. The Service does NOT request that the prospective financial statements be reviewed in accordance with GAAS.
- Do not add or eliminate rows on the Excel spreadsheets provided in the appendix. Columns should not be deleted; however, columns may be added to reflect the number of years in the Draft Contract term, if necessary. If you wish to provide additional information, do so in additional spreadsheets, outside of the ones provided. If additional information is provided, clearly identify how it fits into the income statement, cash flow, and/or assumption tables. For the purpose of the pro forma statements, use the calendar year as the fiscal year.
- Provide a clear and concise narrative explanation of the method(s) used to prepare the estimates and the assumptions on which your projections are based. Information must be sufficiently detailed to provide a full understanding of how the estimates were determined.
- Complete all of the forms provided and submit both a hard copy and an electronic Excel workbook file.

Subfactor 4(c). Demonstrate your ability to obtain the required funds for start-up costs under the Draft Contract by providing credible, compelling documentation, particularly evidence from independent sources, such as bank statements, audited or reviewed financial statements, and signed loan commitment letters. Fully explain the financial arrangements you propose, using the following guidelines:

- 1) If funds are to be obtained from operating cash flows, document each source and the availability of these funds by referring to your previous and current audited financial statements.
- 2) If funds are to be obtained from lending institutions (banks, savings and loans, etc.), provide supporting documents including but not limited to documents that describe the approximate amount of the loan, the term of the loan and any proposed encumbrances on the Draft Contract. Include a letter (addressed to the National Park Service from the lender on the lending institution's letterhead) stating the amount of funds available to the Offeror at the date of the letter and estimated to be available at the projected effective date of the Draft Contract. The more definite the terms stated in the documentation, the more credible the Service is likely to find the Offeror's ability to obtain the required funds.
- 3) If funds are to be obtained from an individual, or a business entity whose primary fund source is an individual, provide the following as appropriate with respect to such individual:
 - Signed funding commitment from the individual (stating the approximate amount of the loan, the term, and any proposed encumbrances on the Draft Contract).
 - Current personal financial statement certified as to accuracy and completeness by the individual submitting it.
 - Current bank/financial institution documents that verify the account and account balance for the primary fund source.

- Documentation of any assets to be sold.
 - Any other assurances or documents that demonstrate that the funds are available.
- 4) If funds are to be obtained from working capital liabilities (such as advance deposits), please provide estimates and a rationale for each estimate. The information provided should be of sufficient detail to allow a reviewer to fully understand how the estimates were determined.
- 5) If funds are to be obtained from another source (e.g., a business entity whose primary fund source is not an individual), provide the following as appropriate:
- Signed funding commitment from the fund source stating the approximate amount of the loan, the term, and any proposed encumbrances on the Draft Contract.
 - Current audited financial statements for the most recent year.
 - Evidence that the source has the necessary funds to make the funding commitment.

**BUSINESS HISTORY INFORMATION FORM
(PRINCIPAL SELECTION FACTOR 4 - SUBFACTOR 4A)**

Business history information should be provided for the Offeror AND all parent companies. If the Offeror has not been formed yet, business history information should be provided for each Offeror-Guarantor.

The information provided below is for the entity:_____

- 1) Has Offeror ever defaulted from or been terminated from a management or concession contract, or been forbidden from contracting by a public agency or private company?

☐ YES

☐ NO

If YES, provide full details of the circumstances.

- 2) List any Bankruptcies, Receiverships, Foreclosures, Transfers in Lieu of Foreclosure, and/or Work-Out/Loan Modification Transactions during the past five years. (If none, then so indicate). Attach an explanation of the circumstances, including nature of the event, date, type of debt (e.g., secured or unsecured loan), type of security (if applicable), approximate amount of debt, name of lender, resolution, bankruptcy plan, and/or other documentation as appropriate.
- 3) Describe any pending litigation or administrative proceeding (other than those covered adequately by insurance) which if adversely resolved could materially impact the financial position of the Offeror.
- 4) Describe any lawsuit, administrative proceeding or bankruptcy case within the past five years that concerned the Offeror's alleged inability or unwillingness to meet its financial obligations.

PRINCIPAL SELECTION FACTOR 5. THE AMOUNT OF THE PROPOSED MINIMUM FRANCHISE FEE, IF ANY, AND OTHER FORMS OF FINANCIAL CONSIDERATION TO THE SERVICE. (0-4 POINTS)

The minimum franchise fee acceptable to the Service is **one percent (1.0%)** of gross receipts.

The offer of a higher franchise fee than this minimum is generally beneficial to the Service and accordingly will generally result in a higher score under this selection factor. However, consideration of revenue to the United States is subordinate to the objectives of protecting, conserving, and preserving resources of the Area and of providing necessary and appropriate visitor services to the public at reasonable rates.

State the amount of franchise fee you propose. Such fee must at least equal the minimum franchise fee set forth above. Express this fee as a percentage of annual gross receipts. Do not propose a tiered franchise fee, e.g., 5% on the first \$10,000 of gross receipts, 6% on gross receipts between \$10,001 and \$25,000, 7% on gross receipts between \$25,001 and above.

_____ percent of annual gross receipts

SECONDARY SELECTION FACTORS

SECONDARY SELECTION FACTOR 1. THE QUALITY OF THE OFFEROR'S PROPOSAL TO CONDUCT ITS OPERATIONS IN A MANNER THAT FURTHERS THE PROTECTION, CONSERVATION, AND PRESERVATION OF THE PARK AND OTHER RESOURCES THROUGH ENVIRONMENTAL MANAGEMENT PROGRAMS AND ACTIVITIES, INCLUDING, WITHOUT LIMITATION, ENERGY CONSERVATION, WASTE REDUCTION, AND RECYCLING. (0-3 POINTS)

Service Objectives

The page limit for this subfactor is **5 pages**, including all text, pictures, graphs, etc.

The Service seeks environmentally friendly business practices, most notably in:

- energy conservation
- waste stream management (including solid waste reduction and recycling)
- environmentally preferred products and practices for cleaning

For each topic listed above, describe specific tasks you will commit to implement that exceed the requirements already set forth in the Operating Plan and Maintenance Plan.

SECONDARY SELECTION FACTOR 2. THE ABILITY AND EXPERTISE OF THE OFFEROR TO MARKET AND PROMOTE THE CONCESSION OPERATION. (0-3 POINTS)**Service Objectives**

The Service believes that more effective marketing of concessioner-operated recreational, lodging, dining and retail opportunities available at the Park by the Concessioner will increase visitor use of the Concession Facilities.

Secondary Selection Factor 2. Marketing and Promoting the Concession Operation

The page limit for this subfactor is **8 pages**, including all text, pictures, graphs, etc.

Describe your marketing plan for the concession operation. Describe how you will manage your marketing strategy, identify your target market segments, and specify the different media and organizations you will use to implement the strategy. Include your ideas, concepts, and examples of the advertising campaign you will use to market this concession operation.